

REMARKS

In the Office Action mailed January 27, 2005, the Examiner rejected all of the pending claims 1-11. Claims 2-4 and 6-11 have been amended. Amended claims 6, 10, and 11 recite subject matter from the previous versions of claims 5 and 6.

Claims 1 and 5 have been canceled. New claim 12 has been added. Thus, claims 2-4 and 6-12 remain pending for consideration, which is respectfully requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 101

The Examiner rejected claims 1-9 and 11 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant has canceled claims 1 and 5, thereby rendering the Examiner's rejection moot with respect to these claims. Claims 2-4 and 7-9 depend from currently amended independent claim 6, which includes a recitation of technology, namely "via a computer." Therefore, the withdrawal of the rejection with respect to these claims is respectfully requested.

Regarding independent claim 11, Applicant respectfully submits that claim 11 is a means-plus-function claim in compliance with 35 U.S.C. § 112, paragraph 6, which authorizes such a claim, without the recital of structure. Applicant further submits that the claim cannot be characterized as an "abstract idea," as it produces a useful, concrete, and tangible result, namely, issuing an order, for example. In light of the foregoing, Applicant respectfully requests that the rejections with respect to claims 2-4, 7-9, and 11 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over a book entitled, The Stock Market, by Richard J. Teweles and Edward S. Bradley (hereinafter Teweles).

Applicant respectfully submits that currently amended independent claims 6, 10, and 11 are patentable over the reference Teweles, as Teweles is completely silent as to processing an order that is inhibited from being displayed in preference to another order. Although Teweles discusses stop orders that go into effect only when a market touches or passes, they are not orders that are inhibited from being displayed in preference to another order. Therefore, Applicant respectfully submits that currently amended independent claims 6, 10, and 11 are

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patentable over the reference Teweles, for at least the reason offered above. As claims 2-4 and 7-9 depend from currently amended independent claim 6, these claims are also patentable over the reference for at least the reason offered above.

Applicant respectfully submits that claim 12 is patentable over Teweles, for at least the reason offered above for independent claims 6, 10 and 11, as claim 12 recites similar language.

It is respectfully submitted that all claims satisfy the requirements of 35 U.S.C. § 103, as the claims are not taught, disclosed or suggested by the reference. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is respectfully requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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